

REMARKS

I. Introduction

Claims 1-5, 7-16, 18-27, and 29-33 are pending.

Claims 1, 12, and 23 have been amended to more particularly define the invention. No new matter is being added.

Claims 1, 2, 12, 13, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein et al., U.S. Patent No. 6,388,714 ("Schein") in view of Gerace, U.S. Patent No. 5,848,396 ("Gerace"), "the Schein-Gerace Combination."

Claims 3-5, 8-11, 14-16, 19-22, 25-27, and 30-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schein-Gerace Combination in further view of Bisdikian et al., U.S. Patent No. 5,974,406 ("Bisdikian"), "the Schein-Gerace-Bisdikian Combination."

Claims 7, 18, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schein-Gerace-Bisdikian Combination in further view of Buhrmann et al., U.S. Patent No. 5,933,778 ("Buhrmann"), "the Schein-Gerace-Bisdikian-Buhrmann Combination."

These rejections are respectfully traversed.

II. Applicants' Reply to the Rejections Under 35 U.S.C. § 103(a)

For the reasons set forth in detail below, applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

A. Claims 1, 2, 12, 13, 23, and 24

Claims 1, 2, 12, 13, 23, and 24 generally relate to systems and methods for providing personalized web pages of information using an on-line scheduling

application. As set forth in applicants' independent claims 1, 12, and 23, a user is provided with "an opportunity to **select** at least one desired television-related information source" and "at least one desired non-television-related information source . . . for providing schedule information for non-televised events." The information sources selected by the user provide "a grid of television program listings on the web page" and "a region of non-television-related schedule information" on the same web page.

Applicants respectfully submit that claims 1, 2, 12, 13, 23, and 24 are allowable over the Schein-Gerace Combination for at least the following independent reasons.

1. The Schein-Gerace Combination Does Not Show Or Suggest All Elements Of Applicants' Claims

The Office Action acknowledges that applicants' systems and methods of claims 1, 12 and 23 are novel over the prior art and attempts to use disclosure found at column 10, lines 9-22 and column 26, lines 40-63 of Gerace to show applicants' feature of "providing the user with an opportunity to select at least one desired non-television-related information source . . . for providing schedule information for non-televised events . . . on the same web page [as the grid of television program listing]." See page 3 of the Office Action.

These sections of Gerace, however, do not show "**select[ing]** at least one desired non-television-related information source" as specified by applicants' independent claims 1, 12, and 23. Instead, these sections of Gerace simply show that a Media Schedule Page may be programmed to include three tables of information. The tables provided in the Media Schedule Page are for television program listings, film listings, and live

performance listings. These tables, and the source of their associated information, are programmed into the code of the Media Schedule Page. See the Media Schedule Page code at column 26, lines 40-63 of Gerace.

For at least this reason, the § 103 rejections of claims 1, 12, and 23 should be withdrawn. See In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ("To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art"); see also MPEP § 2143.03. Dependent claims 2, 13, and 24 are likewise patentable over the Schein-Gerace Combination.* See In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988) ("Dependent claims are non-obvious under 35 U.S.C. § 103 if the independent claims from which they depend are non-obvious").

2. Gerace Teaches Away from Applicants' Claimed Invention

Moreover, the § 103 rejections fail because Gerace teaches away from applicants' claimed approach. Specifically, the Media Schedule Page of Gerace is configured to access only specific information from predefined sources that are programmed into the Media Schedule Page (see the Media Schedule Page code at column 26, lines 40-63 of Gerace). Thus, one skilled in the art, upon reading the solution set forth in Gerace, would at most have been motivated to modify Schein by hard-coding predefined information sources into the web pages of Schein's online television program guide, rather than allowing users of Schein to "**select** at least one desired non-television-related information source" as

* Applicants reserve the right to demonstrate the patentability of claims 2, 13, and 24 based on the claimed features should prosecution of this case continue.

specified by applicants' independent claims 1, 12, and 23. For at least this additional reason, the § 103 rejections of claims 1, 12, and 23 should be withdrawn. See W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 ("[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention"); see also MPEP § 2141.02.

B. Claims 3, 4, 14, 15, 25, and 26

Claims 3, 4, 14, 15, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schein-Gerace-Bisdikian Combination. However, applicants have shown that independent claims 1, 12, and 23 are patentable. Dependent claims 3, 4, 14, 15, 25, and 26 are therefore also patentable.* See In re Fine at 1074.

Moreover, applicants respectfully submit that the Office Action does not provide an adequate reason or motivation to combine Schein or Gerace with Bisdikian. See In re Rouffet, 149 F.3d 1350, 1355 ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references"). See also MPEP §§ 2142 and 2143.01. Instead of providing a sufficient motivation for combining the references, the Office Action merely concludes that it would have been obvious to make the Schein-Gerace-Bisdikian Combination "to deliver the schedule information using at least one delivery scheme . . . because it would allow the user access to the television listings, non-television-related schedule information and notifications by various

* Applicants reserve the right to demonstrate the patentability of claims 3, 4, 14, 15, 25, and 26 based on the claimed features should prosecution of this case continue.

communication means . . . according to the user preference/profile." See page 5 of the Office Action.

However, this statement of motivation is tantamount to saying that it would have been obvious to combine the references because it would have led to applicants' claimed approach. But such broad and conclusory statements based on subjective belief and unknown authority do not adequately address the issue of providing a sufficient motivation to combine references. See In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999); In re Lee, 61 USPQ2d 1430, 1434. See MPEP §§ 2142 and 2143. For at least this reason, the § 103 rejections should be withdrawn.

C. Claims 5, 7-11, 16, 18-22, 27, and 29-33

Claims 5, 8-11, 16, 19-22, 27, and 30-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schein-Gerace-Bisdikian Combination. Claims 7, 18, and 29 were rejected under § 103 as being unpatentable over the Schein-Gerace-Bisdikian-Buhrmann Combination.

Applicants' independent claims 5, 16, and 27 allow users of a scheduling application to define a plurality of requests and "select a plurality of sources associated with each individual request" to obtain scheduling information. Users also "select at least one delivery scheme for delivering at least a portion of the scheduling information."

The Office Action indicates that independent claim 5, 16, and 27 correspond to claims 1-4 and are rejected under the same rationale. However, applicants' independent claims 5, 16, and 27 include claim elements distinct from those set forth in claims 1-4. Accordingly, applicants respectfully submit that the

rejections of independent claims 5, 16, and 27 are improper because the Office Action does not address the particular elements of these claims. Applicants respectfully request that the Examiner clarify or withdraw the rejections.

III. Conclusion

The foregoing demonstrates that claims 1-5, 7-16, 18-27, and 29-33 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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Applicants:
Filed:
Application No.:
For:
Agent:

Frank [REDACTED] Boyer et al.
November 9, 1999
09/437,304
ON-LINE SCHEDULE SYSTEM WITH PERSONALIZATION FEATURES
Laura A. Sheridan., Reg. No. 48,446
ANNOTATED SHEET

Sheet 14/28
Docket No.: UV-112
Confirmation No.: 7797
Tel: (212) 596-9000

14/28

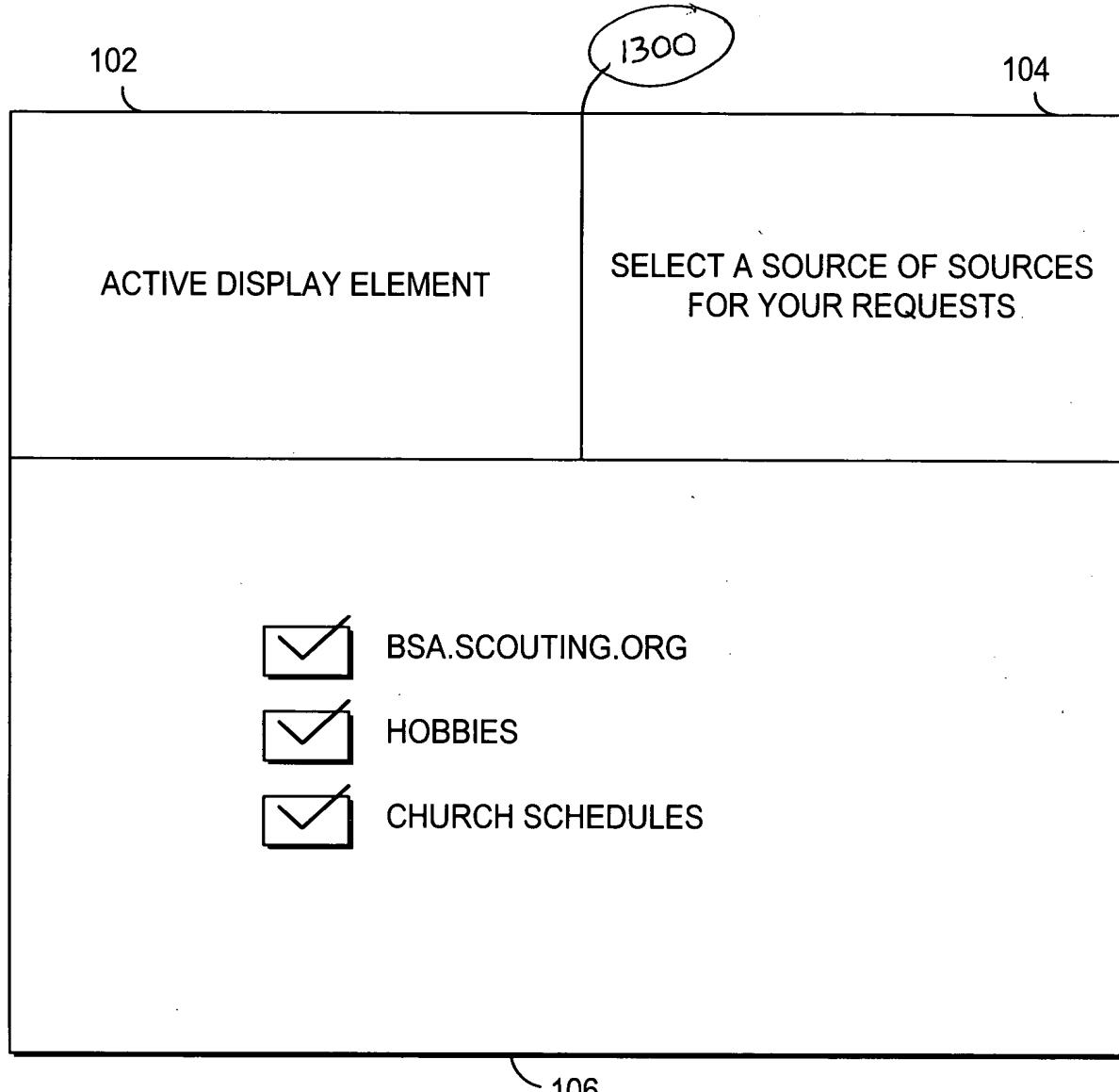


FIG. 13

Applicants:
Filed:
Application No.:
For:
Agent:

Frank [REDACTED] Boyer et al.
November 9, 1999
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ON-LINE SCHEDULE SYSTEM WITH PERSONALIZATION FEATURES
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Sheet 18/28
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18/28

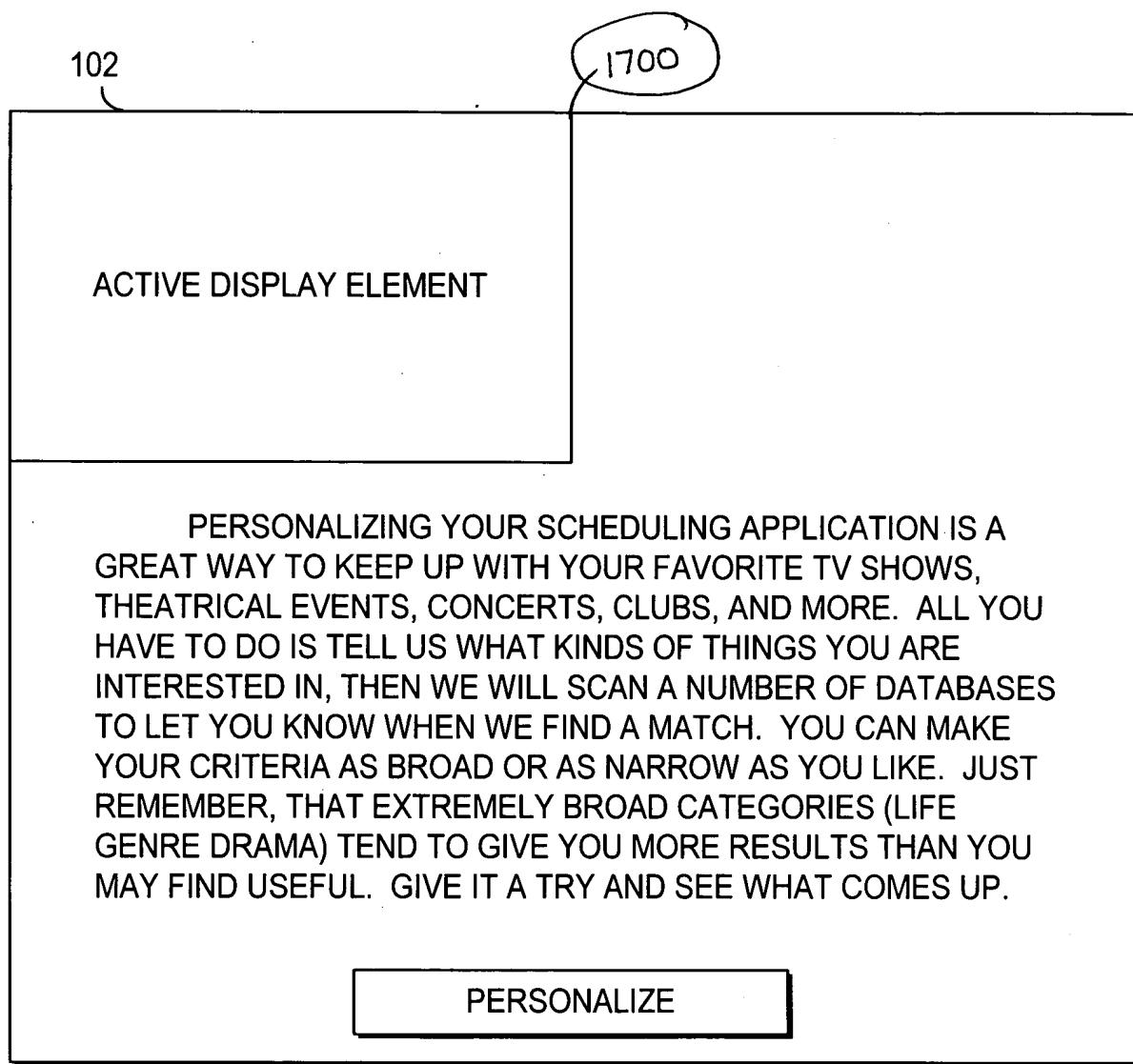
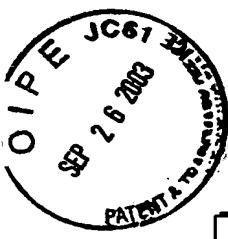


FIG. 17a



Applicants:
Filed:
Application No.:
For:
Agent:

Franklin Boyer et al.
November 2, 1999
09/437,304
ON-LINE SCHEDULE SYSTEM WITH PERSONALIZATION FEATURES
Laura A. Sheridan., Reg. No. 48,446
ANNOTATED SHEET

Sheet 19/28
Docket No.: UV-112
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ON-LINE SCHEDULE SYSTEM WITH PERSONALIZATION FEATURES
Tel: (212) 596-9000

19/28

1700

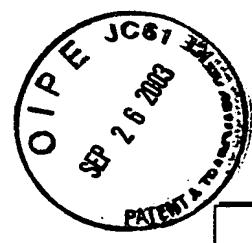
REQ. #	CRITERIA	SEARCH WITHIN	OUTPUT	MATCHES
1	ACTOR JERRY SEINFELD, GENRE COMEDY, AIRING ON CHANNEL 23 FOX KOKI OR ON CHANNEL 3 COMEDY CHANNEL, STARTING BETWEEN 6:30 PM AND 8:30 PM.	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	6
2	GENRE OUTDOOR, TITLE HUNTING, WORDS HUNTING	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	0
3	GENRE SPORTS, TITLE NASCAR, WORDS NASCAR	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	0
4	ACTION BRUCE WILLIS OR SYLVESTER STALLONE, GENRE ACTION, STARTING BETWEEN 7:00 PM AND 11:00 PM.	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	0
5	GENRE MUSICAL, TYPE THEATRE, AT RADIO CITY OR MADISON SQUARE GARDEN, ON SATURDAY, WORDS CHRISTMAS.	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	0
			<input type="button" value="DELETE"/>	
			<input type="button" value="MODIFY"/>	

FIG. 17B

Applicants:
Filed:
Application No.:
For:
Agent:

Franklin Boyer et al.
November 1, 1999
09/437,304
ON-LINE SCHEDULE SYSTEM WITH PERSONALIZATION FEATURES
Laura A. Sheridan., Reg. No. 48,446
ANNOTATED SHEET

Sheet 20/28
Docket No.: UV-112
Confirmation No.: 7797
ON-LINE SCHEDULE SYSTEM WITH PERSONALIZATION FEATURES
Laura A. Sheridan., Reg. No. 48,446
Tel: (212) 596-9000



20/128

1700

REQ. #	CRITERIA	SEARCH WITHIN	OUTPUT	MATCHES
6	TYPE CONCERT, AT AVERY FISCHER HALL HALL, ON THURSDAYS STARTING AT 7:00 PM, WORDS MOZART.	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	1
7	TYPE CONCERT, AT RADIO CITY OR MADISON SQUARE GARDEN, ON FRIDAY, TITLE ELTON JOHN	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	1
8	TYPE SPORTING EVENTS, GENRE BASEBALL, FRIDAYS OR SATURDAYS IN NEW YORK, TITLE YANKEES	TV LISTINGS, MOVIE DATABASE, FEATURES TV GUIDE, STORE	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	1
9	GENRE HOBBIES, WORDS AUTOMOBILE OR CAR, IN SUFFOLK COUNTY	BSA. SCOUTING.ORG HOBBIES CHURCH SCHEDULES	HTML MAIL DELIVERY PAGER/DIGITAL PHONE REMINDER	1

DELETE

MODIFY

FIG. 17C